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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,638	08/16/2001	Quintin T. Phillips	10006504-1	6319

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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,638

**Applicant(s)**

PHILLIPS, QUINTIN T.

**Examiner**

Yogesh C Garg

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/16/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's response to Election/Restriction received on 1/5/2005 is acknowledged and entered. Applicant's election without traverse of claims 9-23 in the reply filed on 1/5/2005 is acknowledged. The applicant has canceled claims 1-8. Currently claims 9-23 are pending for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-23 are rejected under 35 U.S.C. 102(e) as being anticipated

Sekizawa (US Patent 6,430,711 B1).

Note: Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages

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and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**Regarding claims 9 and 17,** Sekizawa discloses a marketing method comprising:

accessing a condition associated with an operation of an image forming device configured to use a consumable to form a hard image; monitoring the operation of the image forming device; communicating a request externally of the image forming device using the image forming device and responsive to the monitoring; receiving a message responsive to the communicating the request; and communicating the message using the image forming device (see at least col.18, line 45-col.19, line 44 and Fig.1 which reads on the recited limitations of claim 1. The monitor system of Fig.1 displays printers (p1....pn), which correspond to an image forming device using consumables, and further include agent units "10" which monitor the printer's operation. The agent unit accesses and monitors the operating conditions and status of the consumables (see col.19, lines 21-35), communicates a request and a message externally to unit "20", which receives the message. Unit 20 corresponds a unit of marketing system as it organizes delivery schedules of consumables (see at least col.19, lines 36-42).

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Regarding claims 10 and 18, Sekizawa discloses that in the method of claim 9 the accessing comprises accessing the condition from the consumable (see col.19, lines 21-35).

Regarding claims 11 and 19, Sekizawa discloses that the accessing comprises accessing the condition related to a status of the consumable and the monitoring comprises monitoring the status of the consumable (see col.19, lines 21-35, Note: Sekizawa discloses accessing the condition related to consumables, such as, toner and ink and then monitoring the quantity of toner or ink.).

Regarding claims 12 and 20, Sekizawa discloses that the accessing comprises condition not related to a status of the consumable (see at least col.5, lines 32-49 which is related to accessing an abnormal state of machine, that is a mechanical failure requiring maintenance which needs dispatching maintenance personnel to fix the repairs).

Regarding claims 13 and 21, Sekizawa discloses that the accessing comprises accessing the condition related to a life span of the image forming device and the monitoring comprises monitoring the life span of the image forming device (see at least col.1, lines 5-18 and col.2, lines 43-49 which suggest monitoring and accessing the operating conditions of the printers for the

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life span of the installed machines and managed by an agency who has sold these printers (see col.19, lines 6-14).

Regarding claims 14 and 22, Sekizawa discloses that the accessing comprises accessing the condition related to a status of another consumable not having the condition, and the monitoring comprises monitoring the status of the another consumable (see col.19, lines 19-35 which teaches monitoring a plurality of consumables).

Regarding claims 15, Sekizawa that the accessing comprises accessing a plurality of conditions related to statuses of a plurality of consumables used by the image forming device to form the hard image, and the monitoring comprises monitoring the statuses of the consumables (see col.19, lines 19-35 which teaches monitoring a plurality of consumables)..

Regarding claims 16 and 23, Sekizawa discloses that the communicating the request comprises communicating the request including an identifier of the image forming device (see at least Fig.17 and col.20-line 55-col.21, line 20 which discloses when sending requests/messages include identifiers, such as the printer's name, serial number and IP address), and further comprising selecting the message from a plurality of other messages using the identifier, and wherein the communicating the message comprises communicating the message after the selecting (see col.19, lines 15-35 which teaches console unit

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20 receiving a plurality of messages from a number of printers and as analyzed above each message from a particular printer includes the identification details which will be required to enable the console unit 20 to select messages when sending consumables for replenishment or deputing maintenance personnel to fix mechanical repairs to a particular machine).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,581, 092 to Motoyama et al. (see at least abstract and col.14, line 14-col.18, line 42), US Patent 6,333,790 to Kageyama (see at least abstract and col.5, line 21-col.13, line 51), US Publication 2003/0002074 A1 to Miyano (see at least abstract, and paragraphs 0015-0044) disclose methods and systems which read on the limitations of claims 9-23 or render them obvious.

(ii) US Patent 6,507,409 to Kawaguchi, (see at least abstract), US Patent 6,678,068 to Richter et al. (see at least abstract), US Patent 5,727,135 to Webb et al. (see at least abstract), US Patent 5,305,199 to LoBiondo et al. (see at least abstract) and US Patent 6,665,425 to Sampath et al. (see at least abstract) disclose accessing and monitoring condition and status of the printers and their consumables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', is written over a horizontal line.

Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
February 4, 2005